

Patrick McMahon, WSBA #18809
Attorney for Defendants
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The Honorable Thomas O. Rice

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MILAN RICHARD HAVLIK, JR.,

Plaintiff,

v.

BILL ROBERTS, TAMMI DENNEY
and RANDAL CLINE,

Defendants.

NO. 2:22-cv-00096-TOR

**DEFENDANTS TAMMI
DENNEY - BILL ROBERTS -
AND RANDAL CLINE'S
RESPONSE TO PLAINTIFF'S
MOTION FOR DEFAULT
JUDGMENT (ECF NO. 41)**

**Noted for Hearing On:
November 14, 2022
Without Oral Argument**

COME NOW, above-named Defendants TAMMI DENNEY, BILL
ROBERTS, and RANDAL CLINE, by and through their attorney of record,

DEFENDANTS BILL ROBERTS,
TAMMI DENNEY and RANDAL
CLINE'S RESPONSE TO PLAINTIFF'S
MOTION FOR DEFAULT JUDGMENT

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1 Patrick McMahon of Carlson & McMahon, PLLC, and hereby respectfully
2
3 respond to Plaintiff's Motion for Default Judgment (ECF No. 41).

4 On October 13, 2022, Plaintiff filed ECF No. 41 as a Motion for Default
5
6 Judgment based on the assertion that proper compliance with this Court's Order
7
8 ECF No. 31, was not complied with. Attached as Exhibit No. 1 to the Declaration
9
10 of Patrick McMahon is a true and accurate email from Reagan K. Schraner of the
11
12 US Marshals Service indicating that any error or confusion regarding waiver of
13
14 service has been remedied and the correct waivers will be filed with the Court.
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16 Moreover, the Defendants filed their Answer and Demand for Jury on September
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18 15, 2022. (ECF No. 38). The Defendants are waiving service and the issue should
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20 now be moot and, therefore, the Plaintiff's Motion for Default Judgment should
21
22 either be denied or stricken.

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RESPECTFULLY SUBMITTED THIS 17th day of October, 2022.

CARLSON & McMAHON, PLLC

By /s/ Patrick McMahon
PATRICK MCMAHON, WSBA #18809
Attorney for Defendants Roberts, Denney
and Cline

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CERTIFICATION OF SERVICE

I declare under penalty of perjury under the laws of the State of Washington that on October 17, 2022, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Eastern District of Washington using the CM/ECF system which will send notification of such filing to:

And I certify that I have mailed by United States Postal Service the foregoing to the following non CM/ECF participants:

Milan Richard Havlik, Jr., 119364
Okanogan County Jail
149 N. 4th St.
Okanogan, WA 98840

Signed at Wenatchee, Washington on October 17, 2022.

/s/ Patrick McMahon
PATRICK MCMAHON, WSBA #18809

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